

REMARKS

Claims 2-21, and 25-29 are pending. Claim 1 has been canceled. The Abstract has been amended. Claims 2-5, 9, 10, 14, 20, 21, 25, and 28 have amended. Claim 2 has been placed into independent to incorporate the subject matter of canceled independent claim 1. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

Claims 1-21, and 25-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,832,448 to *Brown*. Claims 25-29 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,966,692 to *Langer et al.* These several rejections are respectfully traversed.

Claim 2 has been placed into independent form. This claim includes the limitation that "the database is accessible from the Internet."

U.S. Patent No 5,832,448 to *Brown* relates to a system and method for monitoring a group of patients having a chronic disease or ongoing health condition. According to this patent, the method includes the step of collecting from each patient a corresponding set of measurements of a control parameter of the health condition. Each set of measurements has a corresponding collection date. For each patient, a control value is calculated from the corresponding set of measurements, the control value indicating the patient's control over the health condition (see col. 3, lines 1-14).

Set forth on page 4 of the Office Action is the statement that:

“Brown discloses a method for compiling health information, performed by a computer controlled apparatus by establishing a database for storing a plurality of health statuses of a plurality of users (col 1), wherein the database is centrally accessible (col 3-4), receiving data corresponding to a health statistic of the user (col 4), the data generated by a health monitoring device (col 4); determining the health status of the user from the health statistic (col 4-8); storing the health status in the database and updating a population statistic based on the health status and the plurality of health statuses (col 4-9).”

With respect to the foregoing, Applicant respectfully assert that the *Brown* patent fails to disclose that the database is accessed from the Internet, as set forth in amended claim 2. Further, *Brown* also fails to teach the claimed step of “updating a population statistic based on the health status and the plurality of health statuses.” Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim 25 has been amended to include the step of “analyzing a waveform of the cardiovascular signal to determine at least one of a shape of the signal, a slope of the signal, and an area under the signal.”

U.S. Patent No. 5,966,692 to *Langer et al.* discloses a method and system which monitors a patient's heart and provides an electrocardiogram and data of the patient to a central station when a predetermined cardiological event occurs (see col. 1, lines 10-15).

Set forth on page 5 in the Office Action is the statement that:

Brown and Langer et al. disclose “a method for submitting acoustical cardiovascular data to a central database by receiving a request to detect a cardiovascular signal of the user; initializing a cardiovascular monitoring device connected to a computer in

response to the request; measuring the cardiovascular signal during a startup routine performed by the computer; receiving at least a portion of the detected cardiovascular signal of the user; and transmitting data [based] on the received cardiovascular signal to a central database for storage in a record corresponding to the user.” (see *Brown*, figure 6 and column 9; see *Langer et al.* 2 and 5, see col. 1, lines 35-60, col. 2, lines 50-67).

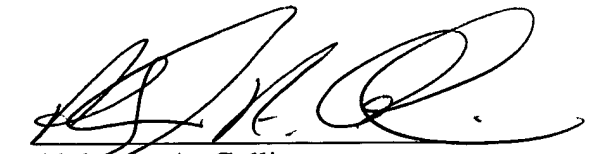
With respect to the foregoing, Applicants respectfully assert that neither *Brown* nor *Langer et al.*, neither individually nor in combination, disclose the "startup routine" set forth in amended claim 25. Further, these references fail to disclose the step of “analyzing a waveform of the cardiovascular signal to determine at least one of a shape of the signal, a slope of the signal, and an area under the signal.” *Brown* also fails to disclose an acoustic cardiovascular device - it merely discloses a monitoring device that may monitor blood pressure among other things (see col. 4 lines 58-67). In addition, the electrocardiogram disclosed in *Langer et al.* is not the same as the acoustic cardiovascular data set forth in amended claim 25.

In view of the differences between the claimed invention and the cited references, Applicants respectfully maintain that amended independent claims 2 and 25 are patentable over the cited references. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

In light of the patentability of amended claims 2 and 25, for the reasons above, dependent claims 3-21 and 26-29 are also patentable over the prior art.

In light of the foregoing remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested. However, if there are any questions regarding this Response, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

Respectfully submitted,



Alphonso A. Collins
Registration No. 43,559
Attorney for Applicant(s)

DARBY & DARBY
805 Third Avenue
New York, New York 10022
(212) 527-7700

EXPRESS MAIL CERTIFICATE



3/10/03 EV294037055-US
Date Label No.

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Name (Print)

Signature

Customer No.:

Docket No: 7415/0G062



07278

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Terrance J. O'HANLON et al.

Serial No.: 09/404,269

Art Unit: 3624

Filed: October 15, 1999

Examiner: CAMPEN, Kelly Scaggs

For: METHOD AND APPARATUS FOR ONLINE HEALTH MONITORING

MARK-UP FOR AMENDMENT OF MARCH 10, 2003
PURSUANT TO 37 C.F.R. §1.121

Box FEE

Assistant Commissioner of Patents
Washington, DC 20231

March 10, 2003

Sir:

IN THE ABSTRACT:

A method and system [Methods] for providing online health monitoring and accumulating data from patients worldwide, [and accompanying apparatus for using the same, are disclosed] wherein a database for storing a plurality of health statuses of a plurality of users is established, wherein the database is centrally-accessible from the Internet; data corresponding to a health statistic of a user is received from the user, the data being generated by a health monitoring device; the health statistic is analyzed to determine a health status from the health statistic; the health status is stored in the database; and a population statistic is updated based on the health status and the plurality of health statuses. Such monitoring is particularly useful for both diagnosing and prescribing preventive medical treatment, and is particularly suited for the field of cardiovascular health care. [Preferred methods and devices include using a sensitive acoustic device, such as an electret, to analyze a patient's cardiovascular functions from a location such as a public computer kiosk, a doctor's office or a patient's home computer. The data may be downloaded from the acoustic device to a central database located, for example, on the Internet. The data may be retrieved by the patient, or upon instructions from the patient, may be transferred to or accessed by doctors for purposes of diagnosis, monitoring and treatment. The data may, in addition, include demographic and like data for each patient and preferably be stored while maintaining the anonymity of each patient. Such data may then be accessible to researchers who will have medical statistics on a wide variety of patients from various age groups, ethnic backgrounds, medical histories and the like.]

IN THE CLAIMS:

2. (Amended) [The method of claim 1, wherein the database is accessible from the Internet] A method for compiling health information, performed by a computer-controlled apparatus, the method comprising:

establishing a database for storing a plurality of health statuses of a plurality of users, wherein the database is centrally-accessible from the Internet;

receiving, from a user, data corresponding to a health statistic of the user, the data generated by a health monitoring device;

analyzing the health statistic to determine a health status from the health statistic;

storing the health status in the database; and

updating a population statistic based on the health status and the plurality of health statuses.

3. (Amended) The method of claim [1] 2, wherein the health statistic comprises cardiovascular data.

4. (Amended) The method of claim [2] 3, wherein the cardiovascular data corresponds to a blood pressure of the user.

5. (Amended) The method of claim [1] 2, wherein the health monitoring device comprises an electret transducer.

9. (Amended) The method of claim [1] 2, wherein the receiving step further comprises:

receiving, from the user, a request to store the data;
receiving a financial account identifier corresponding to a financial account; and
charging a fee against the financial account in response to the request.

10. (Amended) The method of claim [1] 2, wherein the receiving step further comprises:

receiving user identification data corresponding to the user including at least one of: a name, an address, a login name, a password, a health care provider, a health insurance provider, a time that the first data was generated, and a financial account identifier corresponding to a financial account; and

receiving user medical data corresponding to the user including at least one of: an age, a height, a weight, an activity level, an ethnic group, a medical history, and a family medical history.

14. (Amended) The method of claim [1] 2, further comprising:

receiving, from a second user, a request for the health status; and
providing the health status to the second user.

20. (Amended) The method of claim [1] 2, further comprising:

receiving, from a second user, second data corresponding to a health statistic of the second

user.

21. (Amended) The method of claim [1] 2, further comprising:

receiving, from the user, second data corresponding to the health statistic of the user at a separate time;

analyzing the second data to generate a second health statistic of the user; and

storing the second health statistic of the user.

25. (Amended) A method, performed by a computer-controlled apparatus, for submitting acoustical

cardiovascular data to a central database, the method comprising:

receiving, from a user, a request to detect a cardiovascular signal of the user;

initializing a cardiovascular monitoring device connected to a computer in response to the request;

measuring the cardiovascular signal during a startup routine performed by the computer;

analyzing a waveform of the cardiovascular signal to determine at least one of a shape of the signal, a slope of the signal, and an area under the signal; and

receiving, at the computer, at least a portion of the detected cardiovascular signal of the user; and

transmitting data based on the received cardiovascular signal to a central database for storage in a record corresponding to the user.

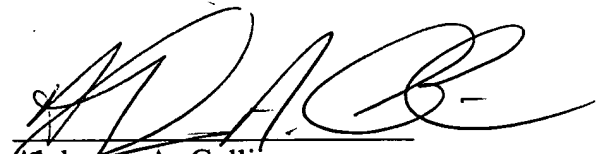
28. (Amended) The method of claim 25, [wherein the cardiovascular signal is an acoustic signal,] the method further comprising:

[analyzing a waveform of the acoustic signal to determine at least one of a shape of the waveform, a slope of the waveform, and an area under the waveform; and]

determining a cardiovascular age factor of the user based on the measuring step; and wherein the transmitting step further comprises:

transmitting the cardiovascular age factor to the central database.

Respectfully submitted,



Alfonso A. Collins
Registration No. 43,559
Attorney for Applicant(s)

DARBY & DARBY
805 Third Avenue
New York, New York 10022
(212) 527-7700